REMARKS

Claims 11-21 and 23-61 are presently pending in the present application. All are rejected. Independent claims 11 and 61 are amended herein. Support for the amendments may be found on page 13, line 21 and throughout the specification.

Section 103(a) rejection of claims 11-21, 23-36, 44-45, and 60-61.

Claims 11-21, 23-36, 44-45, and 60-61 were rejected under Section 103(a) as obvious over *Lewak et al.*, US 5,544,360 in view of *Herz*, US 6,029,195. Applicant respectfully traverses.

It is well established that to sustain a case of prima facie obviousness that would support a Section 103 rejection, it is necessary to provide (1) one or more references, (2) that were available to the inventor at the time the invention was made, and (3) that teach (4) a suggestion to combine or modify the references, (5) the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art.

The two references cited by the Examiner fail to teach Applicant's invention, cannot and would not be combined to form Applicant's invention, and fail to render the claimed invention obvious.

Lewak et al., US 5,544,360 teaches a <u>manual</u> classification system, while Applicant teaches an automated system, therefore *Lewak* simply does not teach Applicant's invention. The Examiner states in his Final Action that Applicant fails to limit his claims to an automated system, therefore Applicant amends the independent claims to specifically recite that the recited classifier is automated. *Lewak* does assert that his invention *could* be automated (Col. 9, lines 50-55 of *Lewak*), but this statement is non-enabling. *Lewak* can do no such thing without Applicant's teachings. The only automated aspect of *Lewak*'s invention is found on col. 7, lines 63-60 of the *Lewak* disclosure, where a file will be automatically designated "uncatagorized" if it hasn't been categorized, hence *Lewak*'s sole automated technique is exactly the opposite of Applicant's -- *Lewak* automatically *uncatagorizes* documents! *Lewak* therefore fails to teach any patentable aspect of Applicant's invention and cannot therefore be combined with anything to arrive at Applicant's invention. Indeed *Lewak*'s invention requires the

tedious manual classification of documents that Applicant's invention is designed to eliminate.

Further, *Lewak* cannot be combined with *Herz* to arrive at applicant's invention. Indeed, *Lewak* cannot be combined with *Herz* to form any functioning system at all, because *Herz*'s invention is neither compatible with *Lewak* nor with Applicant's systems. The reason is that *Herz* discloses a so-called "information retrieval process", not a "text classification process" as is disclosed by Applicant. *Herz* looks at a particular query and ranks documents (note that *Herz* does not even deal with "categories" in the sense that Applicant does, but rather "queries", well known to relational database users). Applicant, on the other hand, looks at a particular document and ranks categories. The two systems are diametrically opposed and one skilled in the art would not consider looking to an information retrieval process to solve a problem in a text classification process. Therefore, not only can *Lewak* and *Herz* not be combined to form Applicant's invention, one skilled in the art would not be motivated to do so.

Both the lack of motivation to combine the cited references and the inability to combined the references to arrive at Applicant's automated invention (or anything functional for that matter) establish that there can be no combination or modification to the references sufficient to render the amended independent claims obvious to one of ordinary skill in the art. Therefore, there can be no prima facie case of obviousness and Examiner's other arguments with respect to the independent claims 11 and 61 are moot as are those with respect to the narrower dependent claims. Applicant therefore believes independent claims 11 and 61 as amended and their progeny, claims 12-21, and 23-60, to be in condition for allowance.

Section 103(a) rejection of claims 52, 56-59.

Claims 52 and 56 through 59 were rejected under Section 103(a) as obvious over *Lewak* and *Herz* in view of *Using Netscape*, 1995 Que Corporation, pages 55 and 67. For the reasons set forth above, these rejections are moot as these claims are all dependent upon claim 11, nor does *Using Netscape* disclose an automated classifier.

- 4 -
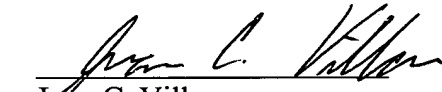
Section 103(a) rejection of claims 53-55.

Claims 53 through 55 were rejected under Section 103(a) as obvious over *Lewak*, *Herz* and *Lang et al.* US 5,867,799 in view of *Using Netscape*. For the reasons set forth above, these rejections are moot as these claims are all dependent upon claim 11, nor does *Lang* disclose an automated classifier.

CONCLUSIONS

For all of the foregoing reasons, Applicants believe the claims to be in condition for allowance and respectfully request same.

If the Examiner is relying on any personal knowledge in rejecting any claims, Applicants respectfully request that any such knowledge be made known to Applicants in an affidavit in accordance with 37 C.F.R §1.107.

Respectfully submitted,

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CLAIM AMENDMENTS: (marked-up version)

Please amend claims 11 and 61 as follows:

11.   (Twice amended)   An automated method of assisting a user with the task of categorizing electronic documents into a collection, comprising the steps of:

classifying, with an automated classifier, a document to obtain a plurality of most likely categorical labels;

displaying, to the user, a representation of the plurality of most likely categorical labels;

receiving, from the user, data representative of one or more selected categorical labels;

labeling the document within the collection with the one or more selected categorical labels; and

incrementally retraining the classifier to adapt to modifications of the collection.

61.   (Amended)   A program storage device, readable by a machine, tangibly embodying a program of instructions executable by the machine to perform method steps for automatedly assisting a user with the task of categorizing an electronic document into a collection[according to the method steps of claim 11], the method comprising the steps of:

classifying, with an automated classifier, a document to obtain a plurality of most likely categorical labels;

displaying, to the user, a representation of the plurality of most likely categorical labels;

receiving, from the user, data representative of one or more selected categorical labels;

labeling the document within the collection with the one or more selected categorical labels; and

incrementally retraining the classifier to adapt to modifications of the collection.